

Village of Millington
Planning Commission Bylaws

These bylaws of the Planning Commission of the Village of Millington, Tuscola County, Michigan, are adopted in accordance with the Michigan Planning Enabling Act, Public Act 33 of 2008, as amended, which provides that every “planning commission shall adopt rules for the transaction of business and shall keep a public record of its resolutions.”

SECTION 1. AUTHORIZATION

The Planning Commission hereinafter called the Commission, is established pursuant to the Michigan Planning Enabling Act, Public Act 33 of 2008, as amended, and the Village of Millington Ordinance Chapter 12.

SECTION 2. COMPOSITION, TERMS, VACANCIES, AND TRAINING

2.1. Appointment. The Commission shall consist of nine members appointed by the Village Council President with the advice and consent of a majority of the Village Council.

2.2. Composition. Members shall be electors of the Village of Millington and as much as possible, represent different occupations, professions, and geographical locations. Not more than 1/3 of the members of the Planning Commission may be ex-officio. Ex-officio members appointed may be:

- (1) Chief Administrative official or a designated person.
- (2) Chief elected official.
- (3) One or more members of council.
- (4) Or any combination thereof.

2.3. Terms. Terms of office for general members shall be for three years and shall expire on June 30, except that the original terms shall be staggered. Terms of office for ex-officio members of the Commission who are elected officials shall coincide with their respective elective offices. Terms of office for administrative officials shall coincide with the term of the Village President who appointed them.

2.4. Vacancies.

- A. Expired terms. A successor shall be appointed by the Council President after the term of the preceding member has expired. A member whose term has expired is eligible for reappointment.
- B. The Commission may recommend names of suggested appointees to the Council President.
- C. Resignations. Resignation from the Commission shall be effective immediately when submitting in writing and the post of that member shall be considered empty until a replacement has been appointed.

2.5. Training. Each member on the Commission will complete a minimum of 8 hours of training each year which can consist of/but not limited to the review the Planning Commission bylaws, Open Meetings Act, MI Planning Enabling Act PA 33 of 2008,

Master Plan review, Guide to Development, Capital Improvement Plan and any webinars that could help in achieving the goals of the Master Plan.

SECTION 3. REMOVAL FROM OFFICE

A member may be removed from office by the Village Council for nonperformance of duty or misconduct in office.

SECTION 4. SELECTION OF OFFICERS

4.1 Selection. The July meeting of each year shall be an organizational meeting. At the organizational meeting, the Commission shall select from its members a chairman, a vice-chairman, and a secretary. Ex-officio members may not serve as chairman of the Commission.

4.2. Terms. Term of office for Commission officers shall commence from date of selection for a period of one year, or until a successor has been selected. Officers shall be eligible for re-election.

4.3. Duties.

- A. The chairman shall preside at all meetings, appoint committees and official representatives to other groups with concurrence from the Commission, authorize calls for special meetings and perform such other duties as specified by the Commission.
- B. The vice-chairman shall act in the capacity of chairman in the chairman's absence.
- C. In the event the office of chairman becomes vacant, the vice-chairman shall succeed to this office for the unexpired term and the Commission shall select a successor to the office of vice-chairman for the unexpired term.
- D. The secretary shall take the minutes of all meetings and public hearings of the Commission and ensure that a public record of such information is submitted and filed with the appropriate individual or body.

SECTION 5. COMMITTEES

5.1. Purpose. The Commission may establish committees necessary to assist it in fulfilling its responsibilities and goals.

5.2. Appointment. Committee members shall be appointed by the chairman, with concurrence from the Commission.

5.3. Assignment of Duties. The Commission shall define the purpose, functions, tenure, selection of chair, meeting and reporting requirements for its committees. A committee may be discharged from its responsibilities by the Commission.

5.4. Public Participation. Committees shall meet requirements for public participation and access to records as provided for in Section 6.11 and Section 6.12 of these bylaws.

SECTION 6. MEETINGS

6.1. Regular Meetings. One regular meeting shall be scheduled for each month and at least six regular meetings shall be held each calendar year.

- A. A scheduled regular meeting may be canceled up to 24 hours prior to that meeting, when the following conditions are met:
 1. There is no unfinished business and no new business on the agenda;
 2. The chairman and zoning administrator have nothing to report; and
 3. It is known a quorum will not be present for the meeting.
- B. At least 24 hours prior to the cancellation of any scheduled regular meeting, each planning commission member and the zoning administrator shall be individually notified by the chairman or his designee of the cancellation.
- C. Notice of the cancellation shall be posted at the village office and online.
- D. Any regular meeting when cancelled may be rescheduled to the following week. Notice of the rescheduled meeting shall be delivered individually to each planning commission member and the zoning administrator by the chairman or his designee, and shall be posted at the village office and online.
- E. A minimum of one meeting annually will be held jointly with the Village Council, DDA, Planning Commission and Chamber members to ensure that all the boards are working together to accomplish the same goals.

6.2. Special Meetings. Special meetings may be called by the chairman. The chairman shall call a special meeting at the written request of three or more members of the Commission. The notice of the special meeting shall contain the purpose of the special meeting. The day and time of the special meeting will be posted at the village office in compliance with the Freedom of Information Act (PA 442, 1976 as amended) and Open Meetings Act (PA 267, 1976 as amended.)

6.3. Meeting Schedule. A schedule of the Commission's regular meetings for each calendar year shall be established at the organizational meeting in July. Notice of such schedule, including any known changes, shall be posted at the Village Office in a manner available to the public in compliance with the Freedom of Information Act (PA 442, 1976 as amended) and Open Meetings Act (PA 267, 1976 as amended.)

6.4. Quorum. Five members shall constitute a quorum for the transaction of business at meetings except as specified in Section 6.7 of these bylaws. There shall be a waiting period of 15 minutes before adjourning a regularly scheduled meeting due to lack of quorum. Those members present when there is a lack of quorum may reschedule that meeting. Information may be presented to determine a need to reschedule the meeting. No matter, other than rescheduling the meeting, shall be voted upon when there is a lack of a quorum.

6.5. Motions. Motions may be made verbally or in writing. Each motion made along with the name of the originator, the name of the supporter, and the passage or failure of such motion, shall be recorded in the minutes. Any motion withdrawn before being supported shall not be recorded in the minutes. Any motion withdrawn by both the originator and the supporter shall not be recorded in the minutes. Any motion which "fails" for lack of support shall be recorded in the minutes. To have a specific comment included in the minutes, the speaker shall say "for the record."

6.6. Voting. Voting shall be by voice, except that a roll call vote shall be taken and recorded when requested by any member of the Commission.

6.7. Decisions. Providing a quorum is present, a simple majority of those present and voting shall be required for Commission action. Exceptions shall include:

- A. Adoption of the master plan, or any part thereof, including amendments, extensions or additions, all of which shall require the affirmative vote of at least seven members.
- B. Changing of these bylaws, which shall require the affirmative vote of at least six members.
- C. Any other action, which by law, Village ordinance, or parliamentary authority, requires otherwise.

6.8. Attendance. Members of the Commission who have unexcused absences for three (3) consecutive regularly scheduled Commission meetings or more than four of the regularly scheduled Commission meetings in a calendar year, shall be reported to the Village Council for review. Absence may be excused by the Chairman, the Village Council, or the Planning Commission when the absence is due to the conduct of other authorized Commission business, personal illness, or extenuating circumstances.

6.9. Conflict of Interest. A member who has a financial interest of more than 5% in a property matter before the Commission shall not vote or participate in any consideration of that matter, and such action is to be recorded in the meeting record or minutes. Failure of a member to disqualify himself or herself shall constitute misconduct in office.

6.10. Agenda. An agenda shall be established for each meeting of the Commission.

- A. The agenda shall be prepared by the chairman and/or designated Village staff, and it shall be made available to the Commission members and the public. The chairman shall determine the order of business.
- B. Agenda items to be considered at a special meeting shall be limited to those included in the special meeting notice.
- C. Proposals for consideration shall be deemed officially received at the first meeting at which they are listed as Regular or New Business on the agenda.
- D. No more than two (2) public hearings may be scheduled during a regular meeting of the Commission. The chairman may approve exceptions when this rule would cause substantial backlog in Commission business, or cause an undue hardship as determined by a majority of the members.

6.11. Public Participation.

- A. All regular, special and committee meetings of the Commission shall be open to the public.
- B. Opportunity shall be provided for public comment at meetings in accordance with established Commission and Village Council policies and rules of procedure.

- C. The chairman may call to order any person who disrupts the orderly conduct of a meeting. The chairman may prohibit such person from further participation or attendance at that meeting.

6.12. Records. Designated Village Staff shall be responsible for maintaining minutes and other official records of all Commission meetings and actions, including supporting documentation. Notice of meetings, minutes and records shall be available to the public in accordance with the Freedom of Information Act (PA 442, 1976 as amended) and Open Meetings Act (PA 267, 1976 as amended.)

6.13. Reporting Requirements. The Commission shall provide for the timely transmission of any reports or recommendations as are required by State Law, Village Ordinance, or Village Council policy. These reports may include, but are not limited to one annual report and reviews of the Master Plan.

- A. An annual report shall be presented to the Village Council. The annual report shall contain:
 - 1. A summary of Commission activities for the previous calendar year.
 - 2. A list of major public works projects undertaken and/or completed in the previous calendar year.
- B. Five-year review of the Master Plan.

SECTION 7. PUBLIC HEARINGS

7.1. Purpose and Time Limits.

- A. Public hearings shall be held:
 - 1. Prior to the adoption of any part of the comprehensive master plan or any portion, modification or amendment thereof.
 - 2. Prior to recommending approval to the Village Council of any amendment to the Village Zoning Ordinance or of other zoning requests.
 - 3. For consideration of special use permits.
- B. At the discretion of the Commission, public hearings may also be held for informational purposes. Examples of this could include the following:
 - 1. To provide additional time to give all interested parties an adequate chance to present evidence if it was determined that the initial hearing time was too short.
 - 2. To provide for public comment as a result of making major change in a proposal following an initial hearing.
 - 3. To introduce and discuss new evidence.
 - 4. To educate the citizens on selected issues or proposed actions related to planning and development.

7.2. Notice. Notice of public hearings, including time, place and purpose shall be made in conformance with requirements of the Open Meetings Act, the Michigan Planning Enabling Act and the Michigan Zoning Enabling Act.

7.3. Format. Public Hearings, when required, shall be a part of the regular Commission meetings and shall be conducted according to the following procedures:

- A. Introduction by the chairman – announcement of procedures to be followed, time limits and protocols for public participation, applicants and defendants.
- B. Summary of the subject matter.
- C. Presentation by the petitioner (applicant) or designated representative(s).
- D. Presentation by interested members of the public.
- E. Discussion and questioning by Commission members.
- F. Final remarks by the applicant.
- G. Adjournment of the hearing.

7.4. Decisions.

- A. A recommendation on a special use permit, zoning request, or ordinance change will normally not be made on the date of the public hearing unless a motion is made, seconded and passed by a majority of the Commission members in attendance.
- B. Written notice of a Commission recommendation will be sent by the Chairman to the Village Council and to the parties directly concerned with the purpose of the hearing, including the petitioners or originators of the request for a hearing.

SECTION 8. APPEALS

Appeals of actions taken by the Commission shall be in accordance with the Village of Millington Zoning Ordinance.

SECTION 9. AMENDMENT AND SUSPENSION OF RULES

9.1. Amendment. Rules in these bylaws which are not required by State or Federal Law, or by Village Ordinance, may be amended by a two-thirds vote (six member vote) of the Commission, provided a fifteen-day notice is posted and an opportunity for comment is given to the public at a regular Commission meeting.

9.2. Suspension. A rule in these bylaws may be suspended for one meeting by a two-thirds vote of Commission members present and voting at a meeting, provided said action is in accordance with established State and Federal Law, Village Ordinance, and parliamentary authority.

Passed by the Village of Millington Planning Commission at a Regularly Scheduled Meeting on July 20, 2021.

6 Yeas 0 Nays 0 abstain Roll Call: Bonadurer, Dean, Nesbitt, Reinert, Suttle, T.Wager

Revision: Sept. 20, 2016

Revision: Sept. 10, 2019

Revision: July 20, 2021

